IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

Crl.MC.No. 2423 of 2007()

[CRIME NO.446/2007 OF KUTTIPURAM POLICE STATION]

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PETITIONER:

V.V.FAISAL BABU, AGED 30 YEARS,
S/O IBRAHIM, VADAKKATHU VALAPPIL HOUSE,
KADENCHERI VILLAGE, PONNANI TALUK.

BY ADV. SRI.C.KHALID
SRI.R.O.MUHAMED SHEMEEM
SRI.K.P.MOHAMED SHAFI

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
KUTTIPURAM POLICE STATION,
KUTTIPURAM.

2. SUB INSPECTOR OF POLICE,
CB-CID, KOZHIKODE.

3. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2423 of 2007

Dated this the 18th day of August 2007

O R D E R

The petitioner is the second accused in a crime of 2001 registered under Section 489 B and 489 C read with 34 I.P.C. Final report was filed against two accused persons. Cognizance was taken by the committal court. The petitioner was not available. The case against him was split up. The co-accused has already been tried, found not guilty and acquitted. The crux of the allegations against the petitioner is that he furnished counterfeit currency notes to the first accused. Long later, the petitioner went before the learned Sessions Judge, Manjeri and claimed anticipatory bail. Anticipatory bail was granted subject to conditions. Inter alia it was directed that the petitioner must surrender his passport before the learned Magistrate. Accordingly, the passport has been surrendered. There is no prospect of the case being taken up for trial and disposed of in the near future. The petitioner, in these circumstances, has come before this court with the prayer that he may be permitted to go to his place of employment abroad. He may be given three

months time to proceed to his place of employment and return. He has to report before his employer and obtain the requisite permission to come to India. Any appropriate conditions may be imposed; but the petitioner may be permitted to go up to his place of employment and return. The petitioner is prepared to offer sufficient security as also undertake to appear before the learned Magistrate as and when directed by the learned Magistrate.

2. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor submits that apprehension of the police is only that the petitioner may not be available for trial. If such presence is secured, prosecution has no objection against the release of the passport to the petitioner.

3. Having considered all the relevant inputs, I am satisfied that the passport issued to the petitioner can be released to him and he can be permitted to go to his place of employment abroad and return within a stipulated period, but subject of course to appropriate further conditions.

4. In the result, this petition is allowed. In modification of the conditions imposed on the petitioner by the learned

Sessions Judge, as per order dated 12/4/2007 in Crl.M.C.No.195/07 it is directed that the passport surrendered by the petitioner before the learned Magistrate shall be released to him on the following terms and conditions:

The petitioner shall deposit a cash security of Rs.30,000/- (Rupees thirty thousand only). He shall execute a bond for Rs.30,000/- (Rupees thirty thousand only) with two sureties undertaking to deposit the passport back before the learned Magistrate within a period of six months of his leaving India. He shall take specific permission of the learned Magistrate for leaving India specifying the date of such leaving. In the bond he shall undertake that if he does not return and surrenders the passport within a period of six months, the amount in deposit can be forfeited. All other conditions in the order granting anticipatory bail shall continue to remain in force.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007